

**State of Texas
County of Bexar
City of San Antonio**



DRAFT

**Meeting Minutes
City Council B Session**

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Wednesday, December 13, 2017

2:00 PM

Municipal Plaza Building

The City Council of San Antonio convened in the “B” Room of the Municipal Plaza Building. City Clerk Leticia Vacek took the Roll Call with the following Councilmembers present:

PRESENT: 11 - Mayor Nirenberg, Treviño, Shaw, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry

1. A Briefing on Current First Amendment Assembly and Procession Procedures and Possible Revisions. [Andrew Segovia, City Attorney]

Andy Segovia stated that he received a Council Consideration Request (CCR) from Councilmember Treviño requesting an examination of the City’s First Amendment permitting process and the potential to ease restrictions for safe, peaceful, and legal demonstrations. He noted that he received direction from the Governance Committee to reassess policies, procedures, and fees, as well as expand public spaces where assembly and procession were allowed in coordination with the Free Speech Coalition. He outlined the following requests from the Free Speech Coalition: (1) Inclusion of the right to assembly in the Parade Ordinance; (2) Creation of a centralized application location; (3) Minimization of SAPD interaction; (4) Offering no-cost processions; and (5) Allowance of volunteers or parade marshals to direct procession flow. He provided an overview of the revision timeline with a redrafted Ordinance for City Council Consideration in early 2018.

Mr. Segovia stated that in terms of municipalities, the First Amendment covered signs, panhandling, public official speech, displays on public property, and assemblies and processions. He noted that regulation of First Amendment activity applied to both Public Forums and Non-Public Forums and each was subject to different legal standards. He stated that streets, sidewalks, parks, and public buildings fell into the Public Forum Category and that the city had the power to impose reasonable restrictions on the time, place, and manner of protected speech so long as the restriction was narrowly tailored, served a significant government interest, and left ample alternatives. He noted that citizens could exercise their First Amendment Rights in City Parks without regulation, on a first-come, first-served basis, and without a permit other than for specific reservations or events. He stated that park permits were helpful to coordinate use of limited space, ensure preservation, protect health and safety, ensure the lawfulness of activities, and guarantee financial responsibility for any damage caused at the site.

Mr. Segovia recommended that the Procession Ordinance be amended to include the right to “spontaneous assembly.” He stated that the current Procession Ordinance only required permits in cases where the activity would interfere with traffic or block a sidewalk. He noted that permits cost \$75 and costs for SAPD Officers and barricades up to \$3,000 were covered by the city. Thereafter, the organizers would be responsible for reimbursement or direct contracting with the barricade provider. He stated that of 23 permits issued in 2016, only two went above the \$3,000 threshold. He recommended removal of all costs to organizers in exchange for reasonable restrictions on time, place, and manner of procession.

Mr. Segovia stated that airports were required to comply with Federal Aviation Administration (FAA) regulations and permits must be requested at least two business days prior to the scheduled activity. He noted that currently, permits were free and could be issued to up to three people to demonstrate at designated locations by the Director. He recommended that the policy be revised to allow the Director to increase the number of persons covered by the permit, offer additional demonstration locations, and create a “good cause exception” for spontaneous assembly to waive the two-day advance request requirement. He noted four proposed areas for demonstration designation in Terminal A Baggage Claim, Terminal B Baggage Claim, Terminal B Security Checkpoint, and the Terminal B Exterior. He stated that the Henry B. Gonzalez Convention Center and Alamodome also had proposed demonstration areas as identified by the Department of Convention and Sports Facilities (CSF) which were outdoors and would not require a fee. He recommended that CSF be allowed to implement its own policy and areas for demonstrations.

Mr. Segovia stated that the permit application process would be made available online, in Spanish, and would contain a feedback component. He recommended that inward-facing

parade marshals be allowed, procession application deadlines be shortened from 30 days to 15 days, dialogue regarding the First Amendment with the Free Speech Coalition continue in monthly or quarterly meetings, print materials be made available at convenient locations, and only march organizers be held liable for violation of permit provisions. In terms of SAPD interaction, he recommended that they continue to be used for traffic safety and control, their presence be determined by safety requirements, and their input be required to develop Traffic Safety Plans. He stated that the Parade Ordinance would be revised based on staff and City Council recommendations along with coordination from relevant departments. He noted that dialogue with citizens and the Free Speech Coalition would continue.

Mayor Nirenberg thanked Mr. Segovia for his presentation. He noted growing concerns within the San Antonio Community regarding issues of Free Speech and expressed support for the proposed revisions. He stated that additional work had been requested regarding the use of a non-SAPD community liaison and data sharing regarding permits.

Councilmember Treviño asked of the approach used to make recommendations and move forward. Mr. Segovia replied that it began with an examination of current laws and all recommendations were based on maintenance of public safety. Councilmember Treviño asked of community feedback regarding negative interactions with SAPD. Mr. Segovia replied that the community indicated that all interactions needed to be based on mutual respect and trust.

Councilmember Saldaña asked of the timeline for voting on the proposed revisions. Mr. Segovia replied that feedback from the current meeting would be utilized to draft an Ordinance for presentation to the full City Council in January 2018. Councilmember Saldaña asked of safety requirements to determine police presence. Mr. Segovia replied that it would be dependent on location, size of the event, and potential security risks. Councilmember Saldaña asked that liaisons be considered in lieu of SAPD Officers to alleviate citizen discomfort with police interactions and suggested a Pilot Program beginning with community liaisons before transitioning to regular interaction with SAPD. Mr. Segovia recommended that the use of a liaison be the exception rather than the rule.

Councilmember Viagran asked of restriction on potentially dangerous objects at demonstrations. Mr. Segovia replied that it had not yet been considered for revision under the Parade Ordinance but would be examined in the future. Councilmember Viagran asked of regulations for County Parks and Main Plaza. Mr. Segovia replied that they fell under the Public Forum Category and would be subject to the same regulations as City Parks.

Councilmember Brockhouse asked that police interaction be limited if it represented a psychological barrier to Free Speech and that community liaisons be utilized.

Councilmember Pelaez spoke of the balance between protecting citizen rights and guaranteeing the safety of Police Officers and the need for flexibility in response to ongoing events.

Councilmember Perry asked of the budget to cover costs for permitted processions in 2017. Erik Walsh stated that the majority of funds came from the SAPD Budget and most events utilized on-duty police officers rather than overtime staff. Councilmember Perry asked of final approval authority for permits. Mr. Segovia replied that the Police Department approved permits for processions and parades and the Parks and Recreation Department approved permits for park utilization.

Councilmember Gonzales expressed concern with inequity in public street usage and processions in areas lacking sidewalks. Robert Blanton replied that it was illegal for pedestrians to block streets where sidewalks were provided and SAPD would likely assist to direct traffic and ensure pedestrian movement if assembly occurred in areas without sidewalks. Mr. Segovia added that pedestrians could utilize streets in areas without sidewalks so long as they did not unreasonably impede others' ability to use the roadway. Councilmember Gonzales expressed concern that the recommended interactions with SAPD were excessive.

Councilmember Sandoval expressed concern with SAPD being the first point of contact for assemblies and asked that staff explore the utilization of a liaison for procession logistics. She asked of the identification of spontaneous assembly organizers for citation purposes. Mr. Segovia replied that identification would be based on the characteristics of each assembly.

Councilmember Courage asked of training for parade marshals. Mr. Segovia replied that a training component had been discussed for future implementation. Councilmember Courage expressed his support for a non-SAPD liaison as part of the permitting process and suggested the use of a mobile application for citizens to apply for permits.

Councilmember Shaw expressed concern with liability for assembly safety and asked that restrictions in low-traffic areas be less stringent. He also asked that the use of Riot Gear be reconsidered to ease public discomfort.

Mayor Nirenberg asked that further attention be given to the development of a Community Liaison position in lieu of SAPD interaction.

2. A Briefing on the City Wide Street Light Program. [Ben Gorzell, Chief Financial Officer]

Mayor Nirenberg announced that due to time constraints, Item 2 would be rescheduled for a later date.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting into Executive Session at 4:15 pm to discuss the following:

- A. Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Litigation related to opioid manufacturers, distributors, and promoters pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Legal issues related to compliance by parties with respect to licensing, media, and promotional agreements pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Nirenberg reconvened the meeting at 6:02 pm and announced that no action was taken in Executive Session.

CITIZENS TO BE HEARD

Mayor Nirenberg called upon the citizens registered to speak.

Harry Gunkel spoke of Israel's relationship with Palestine and human rights concerns in Palestine. He asked the City Council to be mindful of current events when considering partnerships with Israel.

Dr. Judith Norman presented a slideshow of sites she visited in Israel and Palestine and discussed injustices and violence against the Palestinian Community.

Paul DiGiovanni spoke in favor of addressing health issues caused by tobacco use but spoke against the Tobacco 21 Ordinance due to over-restriction of legal adults and the impact to

business owners.

Steven Dralle spoke of the upcoming contract award for Emergency Medical Technician Services at the Alamodome and expressed concern that the vendor selected was incapable of meeting the requirements of the Request for Proposals. He asked that the City Council reconsider his company for the contract based on experience.

Mark Perez expressed concern with pollution from local facilities and inefficiencies by City Staff. He asked that the City Council investigate Code Compliance and Zoning discrepancies.

Will McLeod expressed opposition to the Tobacco 21 Ordinance due to conflicts with State Law. He noted concern that the Ordinance would restrict the sale of electronic cigarettes to 18 to 21 year olds who wished to use them for smoking cessation.

Henry Rodriguez, representing Lulac Concilio Zapatista, asked the City Council to assist local small business owner Rose Lopez in keeping her business on the Riverwalk. Angie Garcia spoke of Rose Lopez's difficulties obtaining a permit for her business and asked for more community input opportunities regarding local issues. Herlinda Torres spoke in support of Rose Lopez receiving a vendor permit.

Brian Gordon spoke of development around the Hays Street Bridge and asked that the bridge be fast-tracked for Viewshed Protection. He noted the importance of community input for local developments.

Michael Olivas spoke of the Echo East Development Project and expressed concern that the local community was not being adequately informed. He asked that regular community meetings be included in the development process.

Nazirite Ruben Flores Perez spoke of transgender issues in the military against the idolization of the Virgin of Guadalupe.

Delaney Tholen expressed concern with ADA compliance for sidewalks in District 2 and asked that City Council hold contractors accountable.

Jerry Saavedra spoke in support of the Tobacco 21 Ordinance and read comments of support from other citizens.

Moureen Kaki spoke of her family's experiences fleeing war in Palestine and asked that the Mayor consider humanitarian issues in Palestine when conducting business with Israel.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 7:04 pm.

APPROVED

RON NIRENBERG
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/CMC/MMC
CITY CLERK